

Janis Puracal

From: Sarah Henderson <shenderson@franzlaw.comcastbiz.net>
Sent: Saturday, December 30, 2023 10:14 AM
To: David B. Owens; Davis Jesse B; Eric DeFreest; Meredith Sawyer
Cc: Robert Franz jr.; Andrew Lauersdorf; Marshall Todd; Anthony R. Scisciani III; Janis Puracal; Kelsey L. Shewbert; lauracoffin@coffin.law; Theresa Franz; Cher Vasquez; Simmons Amy; Kassey Ingle; McCarthy Maureen A; Cameron Jaclyn; Abby Jenkins; Taylor Gersch; Rachel Jones; Paxton Moon; Bethan Gee; Kristy Workman
Subject: Re: McGuffin v. Dannels: Coos Bay and Coos County Dep[HWS 17-0846]

Hi all,

I am also generally available the weeks of 1/22 and 1/29 to take care of the municipal 30(b)(6) depositions. I will confirm with my designees and propose specific dates as soon as possible, likely shortly after the new year.

I agree that expert disclosures will have to be pushed back as well. Given the outstanding discovery issues we are seeking the Court's assistance with, rather than deciding on new dates now my instinct is to ask the Court to vacate the deadlines when we submit transcript excerpts (due 9am on 1/3) and request that they be re-set during the hearing on the 12th.

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From: David B. Owens <david@loevy.com>
Date: Wednesday, December 27, 2023 at 6:52 AM
To: Davis Jesse B <jesse.b.davis@doj.state.or.us>
Cc: Meredith Sawyer <msawyer@hwslawgroup.com>, Eric DeFreest <edefreest@luvaascobb.com>, Sarah Henderson <shenderson@franzlaw.comcastbiz.net>, Robert Franz jr. <rfranz@franzlaw.comcastbiz.net>, Andrew Lauersdorf <acl@mlrlegalteam.com>, Marshall Todd <todd.marshall@doj.state.or.us>, Anthony R. Scisciani III <AScisciani@hwslawgroup.com>, Janis Puracal <jcp@mlrlegalteam.com>, Kelsey L. Shewbert <kshewbert@hwslawgroup.com>, lauracoffin@coffin.law <lauracoffin@coffin.law>, Theresa Franz <tfranz@franzlaw.comcastbiz.net>, Cher Vasquez <cv@mlrlegalteam.com>, Simmons Amy <amy.simmons@doj.state.or.us>, Kassey Ingle <kli@mlrlegalteam.com>, McCarthy Maureen A <maureen.a.mccarthy@doj.state.or.us>, Cameron Jaclyn <jaclyn.cameron@doj.state.or.us>, Abby Jenkins <ajenkins@hwslawgroup.com>, Taylor Gersch <TGersch@luvaascobb.com>, Rachel Jones <rjones@hwslawgroup.com>, Paxton Moon <pmoon@hwslawgroup.com>, Bethan Gee <gee@loevy.com>, Kristy Workman <KWorkman@luvaascobb.com>
Subject: Re: McGuffin v. Dannels: Coos Bay and Coos County Dep[HWS 17-0846]

Hi All:

Hope folks are having a restful year-end season.

In a case with dozens of depositions, Plaintiffs do not see how or why postponing these depositions would justify moving all of the deadlines in the case, including for expert disclosures and other deadlines thereafter. Instead, in the unlikely scenario that these depositions reveal testimony that other defendants might want to make part of their disclosures, a supplement can be disclosed shortly after the depositions.

However, if you circulate such a motion we will consider it not object if the proposal is reasonable and short.

What sort of extension of time do Defendants intend to request?

At minimum, it sounds like there is agreement to postpone the depositions and so we should submit that to the Court before the new year.

Sarah, do you want to take a stab at drafting that first, since you've got the first-hand knowledge about the disclosures?

Thanks,

On Thu, Dec 21, 2023 at 1:04 PM Davis Jesse B <jesse.b.davis@doj.state.or.us> wrote:

All,

My office can be available for the Municipal Defendants' Rule 30(b)(6) depositions during the weeks of January 22 or 29 as Meredith proposed. I am in agreement with Meredith and Eric that this will require postponement of the expert disclosures, dispositive motions, and other deadlines.

Jesse B. Davis

Senior Assistant Attorney General

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From: Meredith Sawyer <msawyer@hwsllawgroup.com>

Sent: Wednesday, December 20, 2023 1:47 PM

To: Eric DeFreest <edefreest@luvaascobb.com>; David B. Owens <david@loevy.com>; Sarah Henderson <shenderson@franzlaw.comcastbiz.net>; Robert Franz jr. <rfranz@franzlaw.comcastbiz.net>

Cc: Andrew Lauersdorf <acl@mlrlegalteam.com>; Davis Jesse B <jesse.b.davis@doj.state.or.us>; Marshall Todd <todd.marshall@doj.state.or.us>; Anthony R. Scisciani III <AScisciani@hwsllawgroup.com>; Janis Puracal <jcp@mlrlegalteam.com>; Kelsey L. Shewbert <kshewbert@hwsllawgroup.com>; lauracoffin@coffin.law; Theresa Franz <tfranz@franzlaw.comcastbiz.net>; Cher Vasquez <cv@mlrlegalteam.com>; Simmons Amy

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Subject: RE: McGuffin v. Dannels: Coos Bay and Coos County Dep[HWS 17-0846]

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Hi all-

My office will be attending the Municipal defendants 30(b)(6) depositions on behalf of Vidcoq Society but have no availability until the week of 1/22 or 1/29. In light of the postponement of these depositions, it is our position that the expert disclosure deadline will need to be moved as well.

Meredith A. Sawyer

Senior Counsel

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Please note: our Seattle address has changed as of 9/24/22 to 1500 Fourth Avenue, Suite 200, Seattle, WA 98101.

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From: Eric DeFreest <edefreest@luvaascobb.com>

Sent: Wednesday, December 20, 2023 11:52 AM

To: David B. Owens <david@loevy.com>; Sarah Henderson <shenderson@franzlaw.comcastbiz.net>; Robert Franz jr. <rfranz@franzlaw.comcastbiz.net>

Cc: Andrew Lauersdorf <acl@mlrlegalteam.com>; Davis Jesse B <jesse.b.davis@doj.state.or.us>; Marshall Todd <todd.marshall@doj.state.or.us>; Anthony R. Scisciani III <AScisciani@hwslawgroup.com>; Janis Puracal <jcp@mlrlegalteam.com>; Meredith Sawyer <msawyer@hwslawgroup.com>; Kelsey L. Shewbert <kshewbert@hwslawgroup.com>; lauracoffin@coffin.law; Theresa Franz <tfranz@franzlaw.comcastbiz.net>; Cher Vasquez <cv@mlrlegalteam.com>; Simmons Amy <amy.simmons@doj.state.or.us>; Kassey Ingle <kli@mlrlegalteam.com>; maureen.a.mccarthy@doj.state.or.us; Cameron Jaclyn <jaclyn.cameron@doj.state.or.us>; Abby Jenkins <ajenkins@hwslawgroup.com>; Taylor Gersch <TGersch@luvaascobb.com>; Rachel Jones <rjones@hwslawgroup.com>; Paxton Moon <pmoon@hwslawgroup.com>; Bethan Gee <gee@loevy.com>; Kristy Workman <KWorkman@luvaascobb.com>

Subject: RE: McGuffin v. Dannels: Coos Bay and Coos County Dep Links

Our office will plan to attend the depositions on behalf of Mr. Walter. I have reasonable availability in early January after having a trial reset from January 9th to later in the year. Let us know the proposed dates of deponents' availability. – esd

Eric S. DeFreest

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From: David B. Owens <david@loevy.com>

Sent: Tuesday, December 19, 2023 7:06 PM

To: Sarah Henderson <shenderson@franzlaw.comcastbiz.net>; Robert Franz jr. <rfranz@franzlaw.comcastbiz.net>

Cc: Andrew Lauersdorf <acl@mlrlegalteam.com>; Davis Jesse B <jesse.b.davis@doj.state.or.us>; Marshall Todd <todd.marshall@doj.state.or.us>; Anthony R. Scisciani III <ascisciani@hwslawgroup.com>; Janis Puracal <jcp@mlrlegalteam.com>; Meredith A. Sawyer <msawyer@hwslawgroup.com>; Kelsey Shewbert <kshewbert@hwslawgroup.com>; Eric DeFreest <edefreest@luvaascobb.com>; lauracoffin@coffin.law; Theresa Franz <tf Franz@franzlaw.comcastbiz.net>; Cher Vasquez <cv@mlrlegalteam.com>; Simmons Amy <amy.simmons@doj.state.or.us>; Kassey Ingle <kli@mlrlegalteam.com>; maureen.a.mccarthy@doj.state.or.us; Cameron Jaclyn <jaclyn.cameron@doj.state.or.us>; Abby Jenkins <ajenkins@hwslawgroup.com>; Taylor Gersch <TGersch@luvaascobb.com>; Rachel Jones <rjones@hwslawgroup.com>; Paxton Moon <pmoon@hwslawgroup.com>; Bethan Gee <gee@loevy.com>; Kristy Workman <KWorkman@luvaascobb.com>

Subject: Re: McGuffin v. Dannels: Coos Bay and Coos County Dep Links

Hi All:

After some discussion, by agreement between the municipal defendants and Plaintiffs, the municipal depositions set for this week are not going to proceed tomorrow and thursday. The City of Coos Bay has located some policy documents that were produced to Plaintiffs a few hours ago (and that have yet to be produced to all parties); the County has just batestamped the document produced earlier this month, which will be part of a supplemental discovery response (and the bates version has not been produced to all parties); and the City of Coquille has at least one personnel manual it intends to produce.

Given the deadlines in the case, we need to quickly find alternative dates, and we will need to seek relief from the Court because we understand that it is basically impossible to schedule these next week before 12/31.

A request: If you will please send dates of availability the first two weeks of January, or confirm that you do not intend to attend these deps, we ask that you do so by the end of the week so we can apprise the Court of the relief we are seeking. We do not anticipate this will alter any expert disclosures (though it may require Plaintiffs to make some supplementation after the transcripts are received).

Others may (or may not) have more to say in follow-up, but I wanted to send this short note now so that folks know the deps tomorrow and thursday are postponed.

Best,

On Tue, Dec 19, 2023 at 3:43 PM David B. Owens <david@loevy.com> wrote:

All:

Here is the zoom info for deps tomorrow.

Link: <https://uslegalsupport.remotecounsel.com/meetings/GssMKdsc8no/join>

Details: Proceeding Details: * Case Name: Nicholas James McGuffin v. Mark Dannels * Witness Name: (09:00 AM) Rule 30(b)(6) City of Coos Bay, (01:00 PM) Rule 30(b)(6) Coos County * Job Number: 6506058 * Date: 12/20/2023 * Start Time: 9:00 AM PST * Meeting ID: 926-583-47436 * Password: 398222 * Cameo Room: Room2178 * Cameo ID: 590763 If you are also joining the proceeding by phone: * Dial-in: 646-568-7788 * Meeting ID: 926-583-47436

Thanks,

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David B. Owens (He/Him/They)

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